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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,823	03/10/2004	James Irwin Knutson	AUS9200/0771US2	7499

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EXAMINER
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NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/797,823

Applicant(s)

KNUTSON, JAMES IRWIN

Examiner

Thu Nguyen

Art Unit

3661

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4,5,12,13 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,12,13 and 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The response to the restriction requirement filed on October 3, 2004 has been entered. By this response, the invention group II (including claims 25-29) has been elected without traverse, accordingly, claims 25-29 are examined in this office action.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agnew et al (US 2003/0187573).

As per claim 25, Agnew teaches a method for automatically updating a selected travel route when the vehicle strays from a travel route, the method comprises: determining a travel route (para 0028); receiving current position information of the vehicle (para 0053); recalculating the travel route to provide a new travel route when the current position is not along the travel path (para 0050; 0046). Agnew does not explicitly teach that the travel route is the selected travel route, the travel route comprises a series of travel points, and the current position information is compared with the selected travel route. However, since Agnew teaches the capability of providing the quickest route to a desired destination (para 0046), providing route

segments in navigation process (para 0036), and determining whether the vehicle strays from the route (para 0050, 0053), and since it would have been well known that to pick the quickest route, the computer has to select the route that requires the least time to travel among all possible routes leading to the same destination; since it would have been well known that each segment comprises at least two end points defining the segment of the route; and since comparing the current position of the vehicle with a planned route to determine deviation of the vehicle from the planned route would have been well known, Agnew obviously encompasses using the well known selection of routes represented by a plurality of travel points, and comparing the current position of the vehicle with the selected quickest route in order to provide the user the quickest route, the point to point navigating instruction and to recalculate the route to the destination when the vehicle strays from the selected route.

As per claim 26-28, Agnew teaches using GPS for determining current position information (para 0053). Further, receiving GPS information on a continuing basis; using the current position for recalculating a travel route would have been well known in navigation with continuous updating of navigation instruction system.

As per claim 29, Agnew teaches selecting travel route based on a first traffic condition (para 0028; 0030-0031); receiving traffic information (para 0031); detecting a change in traffic condition and recalculating the travel route when changes are detected in either traffic condition or when the current position is not along the selected travel route (para 0050).

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

(703) 305-7687 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park V, 2451

Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1111.

  
**THU V. NGUYEN**  
**PRIMARY EXAMINER**  
October 14, 2004